

Remarks

Claims 2-7 and 9-16 are presented for the Examiner's review and consideration. Claims 2, 3, 5-7, 9, 12, and 14 have been amended and claims 1, 8, and 17-20 have been cancelled. Applicant believes the claim amendments, cancellation, and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Double Patenting

Claims 1-20 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims copending Application No. 10/681,736 and in view of U.S. Patent No. 5,413,551 to Wu.

In response and in order to expedite the prosecution of this application, Applicant submits herewith a Terminal Disclaimer to obviate these double patenting rejections. It should be understood that this Terminal Disclaimer is being filed to expedite prosecution and should not be construed as an admission that the Terminal Disclaimer is necessary.

In light of the Terminal Disclaimer, Applicant submits that claims 15 and 16 are in condition of allowance.

35 U.S.C. §103 Rejection

Claims 1, 5-8, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 20020049400 A1 to Lacey ("Lacey") in view of U.S. Patent No. 5,413,551 to Wu. ("Wu"). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lacey in view of Wu, in further view of U.S. Patent No. 6,119,192 to Harrison. ("Harrison"). Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lacey in view of Wu, in further view of U.S. Patent No. D473,949 S to Sorlie ("Sorlie"). Claims 9, 12-13, 17 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lacey in view of Wu, in further view of U.S. Publication No. 2003/0083600 S to Robbins et al ("Robbins '600"). Claims 10-11 and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lacey in view of Wu, in further view of Robbins'600, in further view of U.S. Patent No. 6,450,980 to Robbins

et al ("Robbins"). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lacey in view of Wu, in further view of U.S. Patent No. 6,899,106 to Al-Killidar ("Al-Killidar").

Initially, claims 1, 8, and 17-20 have been cancelled rendering the rejection of these claims moot.


Additionally, claims 2-5 and 9-14 have been amended to depend from claim 16 and claims 6 and 7 have been amended to depend from claims 15, and as such, these dependent claims include all of the limitations of there base claims. As noted above, Applicant submits that claims 15 and 16 are in condition of allowance. Accordingly, Applicant submits that these dependent claims are allowable at least for the same reasons.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A fee of \$65.00 for the Terminal Disclaimer is believed to be due and a Fee Transmittal Sheet with payment by credit card is submitted concurrently herewith. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 732-A03-002).

Respectfully submitted,



Seth Blum, Reg. # 45,489

For Paul D. Bianco, Reg. # 43,500

Customer Number: 27317

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
21355 East Dixie Highway, Suite 115
Miami, Florida 33180
Tel: 305-830-2600; Fax: 305-830-2605
e-mail: pbianco@focusonip.com